

**REMARKS**

Claims 1-6 are pending in the application. Favorable reconsideration of the application is respectfully requested.

***I. REJECTION OF CLAIMS 1 AND 3-6 UNDER 35 USC §103(a)***

Claims 1 and 3-6 stand rejected under 35 USC §103(a) based on *Kushibe et al.* in view of *Fujinami et al.* Applicant respectfully requests withdrawal of the rejection for at least the following reasons.

***Present Invention:***

The present invention relates to a data processor having a drive that is loadable with a number of different types of storage media. The present invention permits a data stream to be directly recorded on a given storage medium at a write rate and in a recording format associated with the particular given storage medium. More particularly, when loaded with a storage medium on which a data stream representing standard resolution video (e.g., DVD resolution) is recordable and when receiving a data stream representing high resolution video (e.g., BD resolution), the data processor of the present invention converts the high resolution video into the standard resolution video and then records it on the storage medium. In this case, since the format of the data stream received (high resolution) is different from that of the data stream recordable on the storage medium (standard resolution), a data stream in a format compatible with the storage medium is generated. On the other hand, when loaded with a storage medium on which a data stream representing high resolution video is recordable (e.g., BD), the data processor records the data stream on the storage medium as it is without converting its resolution or format. (See, e.g., Spec., para. [0012]).

Claim 1 defines the data process as loadable with a first type of storage medium (e.g., DVD) and a second type of storage medium (e.g., BD). A data stream representing video of standard resolution (DVD resolution) is recordable in a first format (e.g., MPEG2-PS) the first type of storage medium, and a data stream representing

video of either the standard resolution or a higher resolution (e.g., BD resolution) is recordable in a second format (e.g., TS) on the second type of storage medium.

The data processor includes a drive which recognizes the type of storage medium loaded, and a processing section for receiving a data stream in the second format, extracting a video data stream from the data stream and detecting the resolution of the video. The data processor further includes a switch for sending a data stream along first or second paths. More particularly, the switch sends a data stream resulting from the data stream in the second format (e.g., TS) along a first path if the first type of storage medium is loaded and if the video is of the higher resolution (e.g., BD resolution). If the second type of storage medium is loaded and the video is of the standard resolution (e.g., DVD resolution), the switch sends the data stream in the second format along a second path. A converting section converts the higher resolution of the video of the data stream received by way of the first path into the standard resolution, and an encoder generates a data stream in the first format (e.g., MPEG2-PS) whereby the encoded stream is written to the first type of storage medium (e.g., DVD). The data stream sent along the second path in the second format (e.g., TS) and of standard resolution is recorded to the second type of storage medium (e.g., BD).

***Kushibe et al. & Fujinami et al.:***

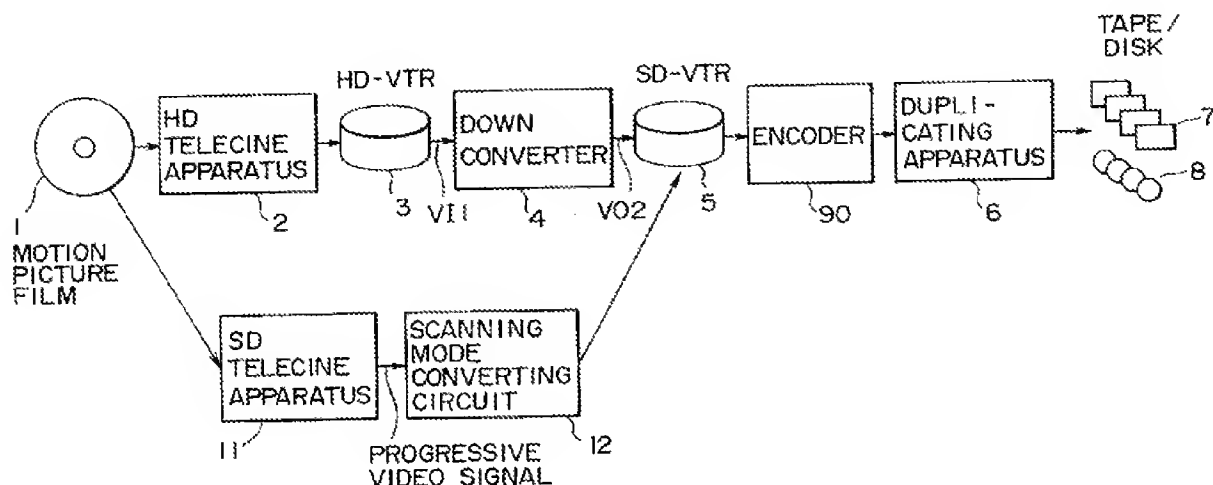
The Examiner relies on *Kushibe et al.* as the primary reference in rejecting claim 1 which, as noted above, is directed to a data processor for switchably recording a data stream of first and second resolutions on a storage medium of first and second types. Notably, however, *Kushibe et al.* is related only to a reproduction apparatus (non-recording). *Kushibe et al.* teaches a reproduction apparatus capable of reproducing audio and video from both CD and DVD type storage mediums.

Consequently, *Kushibe et al.* does not teach any aspects of the claimed invention relating to switchably sending, converting, encoding and writing a data stream to a respective one of the first and second type storage mediums based on the format and resolution of the data stream as recited in claim 1. The reproduction aspects of *Kushibe*

*et al.* are non-applicable to the recording aspects of the present invention recited in claim 1.

[*Fujinami et al.*]

FIG. 4



Perhaps recognizing such deficiencies, the Examiner relies substantially on the teachings of the secondary reference to *Fujinami et al.* *Fujinami et al.* relates to an apparatus for converting motion picture film into lower resolution video for recording on different types of mediums. In *Fujinami et al.*, the motion picture film may be converted to standard definition by first creating a high resolution signal which is down converted to standard definition and thereafter encoded and recorded on a recording medium as shown in Fig. 4 (reproduced above). As an alternative configuration, the motion picture film may be converted to standard definition using a standard definition apparatus 11 and subsequently encoded and recorded on a recording medium as also shown in Fig. 4

Again, it is noted that the two configurations disclosed in *Fujinami et al.* are presented as alternative configurations. (See, e.g., Col. 15, Ins. 21-33). There is no switching between configurations in *Fujinami et al.* in accordance with the resolution of the video as recited in claim 1. *Fujinami et al.* teaches an apparatus for converting the

motion picture film into a lower resolution using either the configuration shown in the upper portion of Fig. 4 or, alternatively, the configuration in the lower portion of Fig. 4.

Consequently, the effects of the present invention cannot be achieved by a combination of the teachings of *Kushibe et al.* and *Fujinami et al.* As is discussed in the present application, compared to the situation where data is temporarily stored somewhere, subjected to a predetermined conversion, and then written elsewhere finally, with the present invention not only the temporary storage space but also the time and trouble of reconversion and rerecording can be saved. (See, e.g., para. [0012]).

In *Fujinami et al.*, the configuration requires a large number of recording devices such as the HD-VTR 3, SD-VTR 5, tape 7, disk 8, etc. This is the exact opposite of the configuration of the present invention.

Accordingly, applicant respectfully submits that there is no basis for combining the teachings of *Kushibe et al.* and *Fujinami et al.* in the proposed manner. *Kushibe et al.* relates merely to a playback apparatus, and *Fujinami et al.* merely teaches converting a motion picture film to standard definition using either an HD Telecine apparatus or an SD Telecine apparatus. There would be no reason to modify the reproduction apparatus of *Kushibe et al.* to include techniques utilized in motion picture film conversion. Nor would there be any reason to utilize switchable paths as based on resolution, storage medium and format as recited in claim 1.

## **II. REJECTION OF CLAIM 2 UNDER 35 USC §103(a)**

Claim 2 stands rejected under 35 USC §103(a) based on *Kushibe et al.* in view of *Fujinami et al.*, and further in view of Logan et al. Applicant respectfully requests withdrawal of the rejection for at least the following reasons.

Claim 2 depends from claim 1 and may be distinguished over the teachings of *Kushibe et al.* and *Fujinami et al.* for at least the reasons discussed above. Furthermore, Logan et al. does not make up for the above-discussed deficiencies. Applicant therefore requests that the rejection be withdrawn.

**III. CONCLUSION**

Accordingly, all claims 1-6 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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